

On September 27, 2024, the Court entered an Order notifying Plaintiff of the requirement that he present a summons to the Clerk for signature and seal; noting that the deadline for serving process had expired; and granting Plaintiff an extension of time through October 28, 2024, to file proof of service of process. Dkt. No. [4]. The Court also warned Plaintiff that failure to timely comply with the Order could result in dismissal of this action. Id. Plaintiff did not respond, and the Court therefore dismissed this action on November 4, 2024, under Rule 4(m) of the Federal Rules of Civil Procedure due to Plaintiff's failure to show that he timely served Defendant with process and under Rule 41.3 of the Local


Rules of this Court due to Plaintiff's failure to follow the Court's lawful Order.
Dkt. No. [5].

A few days later, the Court received Plaintiff's motion for extension of time for issuance of summons. Dkt. No. [7]. In the motion, Plaintiff states that he sent a proposed summons to the Clerk and that it was received on July 22, 2024, but that the Clerk's office says it never received it. Id. at 1-3. He therefore requests an extension of 30 days to allow for a summons to be issued. Id. at 3.

The Court does not find good cause for reopening the case and granting the motion for extension of time. Plaintiff was aware for more than a month before dismissal of this case that the Clerk's office did not have record of his proposed summons. See Dkt. Nos. [4, 5]. Nevertheless, he did not re-file it, nor did he include a proposed summons with his motion for extension of time.

Accordingly, the motion for extension of time, Dkt. No. [7], is **DENIED**.

IT IS SO ORDERED this 18th day of November, 2024.



Leigh Martin May
United States District Judge